

Attorney Docket No.: ISPH-0531
Inventors: Brian J. Nickoloff
Serial No.: 09/743,163
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REMARKS

Claims 1-19 are pending in this application. No new matter has been added by this amendment. Reconsideration is respectfully requested in view of these amendments and the following remarks.

The Examiner suggests that the previous reply to a Restriction requirement filed on August 15, 2002 was not fully responsive to the restriction mailed on March 26, 2002. The Examiner suggests that Applicant did not elect a specific Class I molecule nor a specific antibody as required by the restriction.

Applicant disagrees with the characterization of the invention by the Examiner, and traverses the restriction requirement.

Under MPEP §806.04(b), species which are usually deemed independent, may be related under the particular disclosure. Under MPEP §806.05, if species are not distinct, restriction is never proper. In the present application, there is a relationship between the disclosed molecules belonging to the grouping of MHC-class I or MHC class I-like molecules as described in the specification at page 10. The MHC class I or MHC class I-like molecules are described as interacting with the NK-T cell receptors. They are not distinct, as all of the

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molecules share a common ability to interact with the NK-T cell receptors. Similarly, the antibodies specific for the MHC class-I or MHC class-I like molecule are related as belonging to a non-distinct, yet related grouping. Reconsideration of this restriction is respectfully requested.

However, in an earnest effort to be completely responsive, Applicant hereby elects to prosecute CDId as the specific class molecule and anti-CDId antibody as the specific antibody, with traverse.

Respectfully submitted,

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